

A bill for an act
relating to workers' compensation; clarifying the Department of Labor and
Industry's duty to assist employees and employers to deal with the workers'
compensation system; amending Minnesota Statutes 2008, section 176.261.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 176.261, is amended to read:

**176.261 EMPLOYEE OF COMMISSIONER OF DEPARTMENT OF LABOR
AND INDUSTRY MAY ACT FOR AND ADVISE A PARTY TO A PROCEEDING
TO ASSIST EMPLOYERS AND EMPLOYEES.**

Subdivision 1. Commissioner's duties. When requested by an employer or
an employee or an employee's dependent, or on the commissioner's initiative, the
commissioner of the Department of Labor and Industry ~~may designate one or more of~~
~~the division employees to advise that party of~~ shall provide legal, technical, and other
advice concerning rights and obligations under this chapter, and as far as possible to. The
commissioner shall assist in ~~adjusting differences between the parties~~ settling disputes
over those rights and obligations. ~~The person so designated~~ commissioner may appear in
person in any proceedings under this chapter as the representative or adviser of ~~the~~ a party.
~~In such case, the party need not be represented by an attorney at law.~~

Subd. 2. Office of Workers' Compensation Assistance. The commissioner shall
establish a workers' compensation assistance office within the department that shall
perform the commissioner's duties under this section. The commissioner shall assign
sufficient personnel to the office to promptly perform those duties.

Subd. 3. Referral prohibited. ~~Prior to advising~~ The commissioner may not require
an employee or employer to seek assistance outside of the department, ~~the department~~

2.1 ~~must refer employers and employees seeking advice or requesting assistance in resolving~~
2.2 ~~a dispute to an attorney or other technical, paraprofessional, or professional Workers'~~
2.3 ~~Compensation Division employee, whichever is appropriate.~~

2.4 Subd. 4. Settlement activities. The ~~department~~ commissioner must make efforts
2.5 to settle problems of employees and employers by contacting third parties, including
2.6 attorneys, insurers, and health care providers, on behalf of employers and employees
2.7 and using the department's persuasion to settle issues quickly and cooperatively. The
2.8 obligation to make efforts to settle problems exists whether or not a formal claim has
2.9 been filed with the department.